

Original City of Austin, Plat 13, on which there are delinquent taxes for the years 1930, 1931, 1932, 1933, 1934, and 1935, in the aggregate amount of \$159.60, plus penalties of \$7.98 and interest of \$28.60, which have accrued while said property was under the ownership of his debtor; and

WHEREAS, it is deemed equitable and expedient that, under the above facts, the penalties on said taxes, amounting to \$7.98, should be remitted; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT said penalties, amounting in the aggregate to the sum of \$7.98, for the years 1930, 1931, 1932, 1933, 1934, and 1935, be and the same are hereby remitted, provided that said Oscar Cage pays all of said taxes, together with interest, by September 15, 1936.

The foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

Upon motion, duly seconded and carried, the meeting was recessed at 12:30 P. M., subject to call of the Mayor.

Approved: Tom Miller  
M a y o r .

Attest:

Harris McKeever  
City Clerk

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, September 3, 1936.

The meeting was called to order at 10:30 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen C. F. Alford, Simon Gillis, and Mayor Tom Miller, 3; absent, Councilmen C. M. Bartholomew and Oswald G. Wolf, 2.

The reading of the Minutes was dispensed with.

A committee of residents living on East 44th Street east of Red River Street, represented by Geo. S. Dowell, Attorney, came before the Council to request that the City's sanitary sewer lines be extended to their premises. The matter was referred to C. G. Levander, Superintendent of the Sewer Department, who, in company with the committee, went out to make an investigation on the grounds.

J. E. Haire petitioned the City Council for permission to put two additional taxicabs in operation for the school rush. A representative of the Owl Taxi Company protested the raising of the maximum number allowed. The matter was deferred until the next regular meeting in order that all owners and operators of taxicabs might be given a hearing.

The following communication from Clarence McDonough, General Manager of Lower Colorado River Authority, was received and ordered spread on the minutes:

## "LOWER COLORADO RIVER AUTHORITY

Austin, Texas

August 31, 1936

Honorable Tom Miller,  
Mayor,  
Austin, Texas

Honorable Guiton Morgan,  
City Manager,  
Austin, Texas

Gentlemen:

My attention has been called to copy of letter from General Counsel of Lower Colorado River Authority to your City Attorney under date of August 17th, in which our counsel advises that an election will not be necessary in order for the Authority to acquire from the City of Austin any rights necessary for the construction of Marshall Ford dam at the Hughes site.

Inasmuch as our counsel has also advised us to this effect, and it appearing that the data on which he is acting is correct, I wish to formally advise you that the Authority does not deem it necessary to amend the Charter of the City of Austin or to hold an election in respect to this matter.

I am advising you of the attitude of the Authority in this respect in order that the City might be saved the trouble and expense of two elections.

Yours very truly,

(Sgd) C. McDonough  
General Manager. "

Mayor Miller then submitted the following resolution:

WHEREAS, the City Council of the City of Austin, on the 13th day of August, 1936, passed a resolution declaring its intention to submit to the qualified voters of the City of Austin, at an election to be held for that purpose, an amendment to Section 1 of the existing Charter of said City, authorizing the City Council, upon authorization of a majority vote of the qualified voters of said City, to grant, convey and cede to the Lower Colorado River Authority, the land and territory, or any part thereof, now owned by the City of Austin in the upper extremity of the basin of Lake Austin, lying in and adjacent to the bed of the Colorado River, being such lands in said Lake and adjacent thereto owned by the City of Austin above the southeast corner of the I. & G. N. R. R. Co. Survey No. 42, Certificate 22/115, Patent No. 457, Volume 43, and above the point where the lower line of said Survey intersects the Colorado River, which said point is approximately 12 miles above the Dam across the Colorado River owned by the City of Austin; and

WHEREAS, by said resolution, the Mayor was authorized and instructed to publish a copy of said resolution in the American-Statesman and the Austin Dispatch, newspapers published in the City of Austin, as notice of the intention of the City Council to pass an ordinance on the 3rd day of September, 1936, for the purpose of submitting to the qualified voters of said City, at an election to be held for that purpose, the amendment to the Charter of the City of Austin hereinbefore set out and to publish same for ten days in the American-Statesman and the Austin Dispatch, newspapers of general circulation published in the City of Austin; and

WHEREAS, said notice has been duly published in the aforesaid newspapers for ten days, the first publication of which was twenty days prior to the date on which the proposed ordinance is to be passed as set out in Section 1 of this resolution; and

WHEREAS, the City Council has been advised by the Manager of the Lower Colorado River Authority that such Charter amendment is not necessary and is not desired by such Authority; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT on this the 3rd day of September, 1936, no ordinance will be passed calling for an election for the aforesaid purpose.

Upon motion of Councilman Alford, the foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, and Mayor Miller, 3; nays, none; Councilmen Bartholomew and Wolf absent, 2.

Councilman Alford introduced the following ordinance:

AN ORDINANCE, AMENDING AN ORDINANCE REGULATING THE PLAYING OF PHONOGRAPHS, RADIOS AND LOUD SPEAKING OR OTHER NOISE MAKING DEVICES IN PUBLIC PLACES AND ON ANY PREMISES IN THE CITY OF AUSTIN WHEN SUCH PREMISES ARE BEING USED AS A PLACE OF BUSINESS TO WHICH THE PUBLIC GENERALLY IS INVITED, PRESCRIBING A PENALTY, AND DECLARING AN EMERGENCY, PASSED APRIL 23, 1931, RECORDED IN ORDINANCE BOOK "I", AT PAGES 299-300, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN; REGULATING THE PLAYING OF PHONOGRAPHS, RADIOS AND LOUD SPEAKING OR NOISE MAKING DEVICES OR ATTACHMENTS ON PUBLIC STREETS; PROVIDING THAT IT SHALL BE UNLAWFUL FOR ANY PERSON IN EITHER A PUBLIC OR PRIVATE PLACE TO MAKE OR CAUSE TO BE MADE ON MUSICAL INSTRUMENTS OR BY ANY OTHER MEANS ANY LOUD NOISE WHICH IS REASONABLY CALCULATED TO DISTURB OTHERS IN THE VICINITY OF SUCH PLACE; AND REGULATING THE PLAYING OF ANY PHONOGRAPH, RADIO OR LOUD SPEAKING OR NOISE MAKING DEVICE OR ATTACHMENT ON PREMISES TO WHICH THE PUBLIC GENERALLY IS INVITED, MAKING IT UNLAWFUL TO OPERATE OR PERMIT THE SAME TO BE OPERATED IN SUCH WAY OR MANNER AS TO BE REASONABLY CALCULATED TO DISTURB OTHERS OR TO BE UNREASONABLY OFFENSIVE TO THE PUBLIC OR TO OCCUPANTS OF OTHER PREMISES IN SUCH VICINITY; PRESCRIBING A PENALTY FOR THE VIOLATION HEREOF, REPEALING ALL ORDINANCES IN CONFLICT HEREWITH, PROVIDING THAT IF ANY PROVISION OF THIS ORDINANCE SHALL BE HELD INVALID SUCH HOLDING SHALL NOT AFFECT THE VALID PORTIONS HEREOF; AND DECLARING AN EMERGENCY.

The foregoing ordinance was read the first time and laid over.

Councilman Alford moved that the following named persons be granted taxicab driver's permits, in accordance with the recommendation of Roy J. Smith, Traffic Captain: John O. Sherrill, 3907 Alice Avenue; Paul Bennight, 1007 West Johanna Street; and Guadalupe B. Rodriguez, 2418 East 6th Street. The motion carried by the following vote: Ayes, Councilmen Alford, Gillis, and Mayor Miller, 3; nays, none; Councilmen Bartholomew and Wolf absent, 2.

A letter from Carl H. Mueller, Project Superintendent of the Travis County PWA Sewing Room Project, advising of the reopening of said project on September 8th, was received and filed.

A letter from the South Austin Civic Club, accepting the invitation to serve on the reception committee for the open house to be held at the Power Plant on Sunday, September 13, was received and filed.

A petition from citizens living in the vicinity of East 43rd Street, Caswell Avenue, Park Boulevard, and Barrow Avenue, asking that East 43rd Street between Barrow Avenue and Caswell Avenue be opened, widened, improved, and graded was referred to the City Engineer for attention.

A written proposal from Carl Wendlandt & Sons, Agent for A. T. Long, for the purchase of the property owned by the City on West 29th Street just east of Shoal Creek, was received and referred to the City Manager, City Engineer, and Councilman Gillis.

Councilman Alford offered the following resolution:

WHEREAS, J. Henry Steinle, owner of the northeast portion of Lot 12, Block 37, Division "E" of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, which property abuts the south side of West 17th Street and the west side of Lavaca Street, and being situated at the southwest corner of the intersection of said streets, has made application to the City Council of the City of Austin for permission to set the curb back from the established curb line on the south side of West 17th Street at the above described location, thereby relieving traffic conditions

by creating a greater width of travelway on West 17th Street; and

WHEREAS, a plan has been prepared showing the proposed layout of the above described curb setback and said plan has been considered and approved by the City Council of the City of Austin; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT permission is hereby granted to J. Henry Steinle, owner of the northeast portion of Lot 12, Block 37, Division "E" of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, which property abuts the south side of West 17th Street and the west side of Lavaca Street and being situated at the southwest corner of the intersection of said streets, to set the curb back from the established curb line on the south side of West 17th Street at the above described location.

Permission to construct the above described curb setback is granted subject to the same's being constructed in accordance with the plan approved by the City Engineer of the City of Austin, which plan is hereby attached marked 2-C-631 and made a part hereof, and in accordance with the following conditions:

(1) That the construction of the setback area on West 17th Street shall be carried out in accordance with the accompanying plan marked 2-C-631 and that all such widened areas, driveways or ramps and curbs shall be constructed of concrete at the expense of the applicant.

(2) That all such concrete shall be not less than 6 inches in thickness and shall be of the following proportions: 1 part cement, 2½ parts of sand, and 4 parts of screened gravel or rock.

(3) That the concrete curbs adjacent to the sidewalk area shall be not less than 6 inches high and that an expansion joint not less than ¾ inch thick shall be placed between the curb and the sidewalk as shown on the plan hereto attached marked 2-C-631.

(4) That all such expansion joints shall be of the pre-moulded type.

(5) That all concrete work within the street area shall be done by a bonded sidewalk contractor.

(6) That the applicant shall be required to clean the newly created ramp area at least twice per week and shall dispose of the debris at his expense.

(7) That all work shall be done in accordance with lines and grades furnished by the Engineering Department of the City of Austin and under the direction of the City Engineer.

The foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, 3; nays, none; Councilmen Bartholomew and Wolf absent, 2.

Councilman Gillis offered the following resolution:

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Texas Public Service Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

(1) A gas main in San Saba Street, beginning at a point 18 feet west of and 19 feet south of the intersection of the east line of San Saba Street and the north line of Canterbury Street;

Thence in a southerly direction with a gas main, the centerline of which shall be 18 feet west of and parallel to the east line of San Saba Street, for a distance of 141 feet.

Said gas main described above shall have a cover of not less than 2½ feet.

(2) A gas main in ETHRIDGE AVENUE from the west line of Harris Boulevard westerly 143 feet, the centerline of which gas main shall be 8½ feet south of and parallel to the north line of said Ethridge Avenue.

Said gas main described above shall have a cover of not less than 2½ feet.

(3) A gas main in RAINEY STREET, beginning at a point 19 feet east of the west line of said Rainey Street and 108 feet south of the south line of River Street;

Thence in a southerly direction with a gas main, the centerline of which shall be 19 feet east of and parallel to the west line of said Rainey Street for a distance of 100 feet.

Said gas main described above shall have a cover of not less than 2½ feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the City Engineering Department not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is out in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchise granted to said Company by the City of Austin.

The foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, 3; nays, none; Councilmen Bartholomew and Wolf absent, 2.

The following reports of the Zoning Board of Adjustment were received:

" August 13, 1936

Hon. Mayor and City Council  
Austin, Texas.

Gentlemen:

The Board of Adjustment at a meeting held on August 31, 1936, passed the following resolution, which is hereby submitted: for your consideration.

R E S O L U T I O N .

WHEREAS, the Board of Adjustment of the City of Austin at the meeting held on August 31, 1936, carefully considered the subject of the setback and placing of private garages and other outbuildings on interior residence lots for the purpose of eliminating as far as possible certain ill effects of the present regulations and bringing this detail more in harmony with the general purpose and spirit of the ordinance; and

WHEREAS, under the present terms of the Zoning Ordinance in the First, Second and Third Height and Area Districts, a private garage, private stable, poultry shed, storage room or other outhouse shall be set back 60' from the front street or property line of any interior lot, and may be placed on the side and the rear property line provided no part of the structure projects beyond said lines; and

WHEREAS, this requirement as applied to interior lots frequently results in the garage or other outbuilding being placed adjacent to the principal building or residence, encroaching upon the living quarters and diminishing the availability of light and air for the occupants thereof and also increasing the fire hazard to the principal building and otherwise adversely affecting the health and comfort of the occupants of the principal building, thus diminishing the value and desirability for residential purposes of adjoining lots; and

WHEREAS, the Board deems that this condition may be most feasibly corrected in so far as it is legally possible, without raising any question of constitutionality, by amending the height and Area District Regulations of the Zoning Ordinance by a special clause relating to setbacks on interior lots.

THEREFORE, BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT it be and is hereby recommended to the City Council of the City of Austin that Section 12 be amended by striking out the entire paragraph under subsection "Setback" regarding the setback for garages and accessory buildings and substituting therefor the following paragraph:

" A private garage, private stable, poultry shed, storage room or other accessory buildings shall be so located and placed on a lot that no part thereof shall be a greater distance from the rear property line than 25% of the mean depth of the lot, measured from the front property line to the rear property line, and a setback line for any such accessory building of not less than twenty (20) feet from any other street line, provided that on corner lots abutting on an alley or common property line and fronting in opposite directions on both sides of and parallel to any side street, the setback distance from the side street for any such accessory building shall be not less than twelve (12) feet, provided further that in no case shall the said building be less than three (3) feet from any property line. "

and that Sections 13 and 14 be amended by striking out the entire paragraph under subsection "Setback" regarding the setback for garages and accessory buildings and substituting therefor the following paragraph:

" A private garage, private stable, poultry shed, storage room or other accessory buildings shall be so located and placed on a lot that no part thereof shall be a greater distance from the rear property line than 25% of the mean depth of the lot, measured from the front property line to the rear property line, and a setback line for any such accessory building of not less than twenty (20) feet from any other street line, provided that on corner lots abutting on an alley or common property line and fronting in opposite directions on both sides of and parallel to any side street, the setback distance from the side street for any such accessory building shall be not less than ten (10) feet, provided further that in no case shall the said building be less than three (3) feet from any property line. "

Respectfully submitted,

BOARD OF ADJUSTMENT

By (Sgd) H. F. Kuehne, Chairman. "

"Hon. Mayor and  
City Council,  
Austin, Texas

Gentlemen:

The Board of Adjustment at a meeting held on August 11, 1936, passed the following resolution, which is hereby submitted for your consideration.

R E S O L U T I O N

WHEREAS, the Board of Adjustment of the City of Austin at the meeting held on August 11, 1936, carefully considered the subject of the control and regulation of the Setback Requirements for the principal and accessory buildings on lots and parcels of land which have been replatted and/or resubdivided without the approval of the City Plan Commission or otherwise partitioned off by metes and bounds, thus avoiding the regulations and requirements of Senate Bill No. 277, Chapter 231, enacted March 31, 1927, and

WHEREAS, it is a frequent practice to resubdivide, partition, or sell off portions of several lots so as to change the frontage of said lots as originally platted and recorded and as shown on the subdivision maps; and

WHEREAS, the Zoning Ordinance of the City of Austin provides that all regulations, requirements and provisions thereof are to be applied to lots as of record at the time of the passage of the ordinance; and

WHEREAS, persons who have purchased lots in good faith, relying upon protection afforded them by the requirements of the Zoning Ordinance in its Height and Area and Setback Regulations, often find their property adversely affected, damaged or rendered undesirable for residential purposes where the adjoining lots have been resubdivided and fronted in different directions as originally platted and recorded; and

WHEREAS, the Board of Adjustment has received a number of complaints from property owners where the above practice has occurred; and

WHEREAS, the Board has come to the conclusion that it is desirable to amend the Zoning Ordinance so as to discourage the practice of the resubdivision of corner lots and to correct as far as possible the evil effects of such a practice on the part of property owners, although the Board is aware of the fact that a complete cure of this situation is not wholly feasible or practical on account of the great diversity in the size of lots, nor is there now available any legal procedure by which such resubdivision may be prevented since the requirements of the statute above referred to may be avoided by selling off portions of one or more lots or parcels of land by metes and bounds without the submission of a plat to the City Plan Commission or such other authority as may be required to approve the platting of land under same statute, nor can there be imposed through the Zoning Ordinance any restriction or regulation which would be confiscatory or prevent the owner from legitimate and rightful use of his land.

THEREFORE, BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT it be and is hereby recommended to the City Council of the City of Austin that Section 17 of the Zoning Ordinance of the City of Austin, entitled "Special Area Regulations and Exceptions" be amended by adding the following paragraph:

3. Setbacks for resubdivided lots of Record.

Where any lot or lots, as defined in Section 2 of this ordinance, originally recorded as commonly fronting in the same direction on a street or easement, are resubdivided or any portion of said lots is sold or partitioned off by metes and bounds, so that the newly created lot or lots face or front in a direction making an angle of 90 degrees more or less with the original frontage and abutting on the property line of the adjacent original lot or lots, the garage of the new corner lot thus created shall be attached to or built into the principal structure on the said lot, and the garage and/or accessory buildings of the new created inner lot or lots shall be set back the maximum distance from the original front property line of the original lots so subdivided, except that in no case shall the garage and/or accessory buildings be placed less than 3' from any property line;

Where any lots of record abutting on a common property line and originally facing or fronting in directions making an angle of 90 degrees more or less with each other, are resubdivided or any portion of the rear thereof sold or partitioned off by metes and bounds, the newly created lot or lots shall be considered to front in the same direction as the other original lots in the block and adjacent thereto, and the setback of the garage and/or accessory buildings as well as the principal building shall conform to the same regulations as the original adjacent lots, and the garage and/or accessory buildings of the remaining corner lot shall be set back the maximum distance from the side property line of said lot, except that in no case shall the garage and/or accessory buildings be placed less than 3' from any property line.

Respectfully submitted,

BOARD OF ADJUSTMENT

By (Signed) H. F. Kuehne,  
Chairman. "

Councilman Alford moved that a public hearing on the proposed amendments to the Zoning Ordinance, as set forth in the foregoing recommendations of the Board of Adjustment, be called for Thursday, September 24, and that notice of such hearing be published as required by the terms of the Zoning Ordinance. The motion carried by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, 3; nays, none; Councilmen Bartholomew and Wolf absent, 2.

Upon motion duly seconded and carried, the meeting was recessed at 12:30 P. M., subject to call of the Mayor.

Approved: \_\_\_\_\_

*Tom Miller*  
MAYOR.

Attest:

*Hallie McKeel*  
\_\_\_\_\_  
City Clerk.